

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL J. FILIPIAK,

Petitioner,

Case No. 1:09-cv-118

v.

Honorable Robert J. Jonker

PERCY CONERLY,

Respondent.

ORDER OF TRANSFER

This is a habeas corpus proceeding brought by a state prisoner pursuant to 28 U.S.C. § 2254. Following a jury trial, Petitioner was convicted of third-degree criminal sexual conduct (CSC) and first-degree home invasion on March 3, 2006 in the Oakland County Circuit Court. The trial court sentenced Petitioner to imprisonment of fifty-one months to fifteen years for the CSC conviction and fifty-one months to twenty years for the first-degree home invasion conviction. Petitioner raises four grounds for habeas corpus relief.

Venue in habeas corpus actions is governed by 28 U.S.C. § 2241. That statute allows a petition to be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d). Petitioner is presently incarcerated at the Pine River Correctional Facility, located in Gratiot County. As set forth above, Petitioner was convicted in Oakland County. Gratiot and Oakland Counties are both located in the Eastern District of Michigan. 28 U.S.C. § 102(a). Venue, therefore, lies in that district, not in the Western District of Michigan.

Accordingly, IT IS ORDERED that this case is hereby transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a).

Dated: February 27, 2009

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge